

NEVADA DEPARTMENT OF CORRECTIONS	SERIES 300 PERSONNEL	SUPERSEDES: AR 306 (01/20/03)
ADMINISTRATIVE REGULATIONS MANUAL	ADMINISTRATIVE REGULATION 306 EMPLOYEE FORMAL GRIEVANCE PROCEDURE TEMP	EFFECTIVE DATE: 04/05/04

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	<u>MANDATORY REVIEW DATE</u>	<u>01/20/05</u>

PURPOSE

To outline the procedures that will be used to administer the employee grievance program at all Department of Corrections locations.

AUTHORITY

NRS 284.384
NAC 284.658 - 284.697

RESPONSIBILITY

The supervisor shall attempt to resolve employee issues through informal means and in a timely manner.

It shall be the responsibility of the supervisor in the grieving employee's chain of command to respond to formal employee grievances in a timely manner. It shall also be their responsibility to represent the Department at Employee-Management Committee meetings as necessary.

It shall be the responsibility of the Department Personnel Division to prepare for and represent the Department before the Employee-Management Committee. It shall also be their responsibility to maintain appropriate grievance files.

DEFINITIONS

APPOINTING AUTHORITIES – Individuals to whom the Director has delegated authority to recommend and implement personnel actions. Appointing authorities may include Assistant Directors, Medical Director, Wardens, and Correctional Programs Division Administrator.

ASSISTANT DIRECTORS – Positions specified as such in the State Department of Personnel Classification Plan, e.g., Operations, Correctional Industries, and Support Services.

DEPARTMENT - The Nevada Department of Corrections.

DEPARTMENT PERSONNEL DIVISION –The Personnel Division within the Nevada Department of Corrections.

DIRECTOR –The Director of the Nevada Department of Corrections.

DIVISION HEAD – Those individuals responsible for the major divisions of the Department; such as Personnel, EEO/Professional Development, Inmates Services, Fiscal, Inspector Generals Office, Procurement, Accounting, Offender Management, Stores, Medical.

EMPLOYEE MANAGEMENT COMMITTEE GRIEVANCE – An act, omission or occurrence which a permanent employee feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee, including, but not limited to, compensation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement. The act, omission or occurrence must be established with factual information including, but not limited to, the date, time and place of the act, omission or occurrence and the names of other persons involved. The term “grievance” does not include any action for which a hearing is provided pursuant to NRS 284.165, NRS 284.376, or NRS 284.390.

PERMANENT EMPLOYEE – An employee who has successfully completed the probationary period for any class they have held during continuous classified service.

STATE DEPARTMENT OF PERSONNEL –The Nevada State Department of Personnel.

SUPERVISOR – An employee of the Department that provides supervision and has first line supervisory authority, and is responsible for the performance and evaluation of subordinate employees. These employees are within the direct chain of supervision, scope and authority.

WARDEN – The administrative officer in charge of an institution of the Department.

APPLICABILITY

This regulation applies to all classified permanent Department employees.

PROCEDURES

306.01 GRIEVANCE PROCESS

1.1 An employee filing for a review of a grievance may be assisted or represented by any person of their choosing, at any step of the procedure.

1.1.1 The assistance/representation may not occur at the initial informal discussion with their immediate supervisor.

1.1.2 If the assistant is a state employee, they may only assist on their own time.

1.2 Every effort should be made to resolve the grievance through informal discussions between the supervisor and the grievant.

1.3 Additional supervisors may become involved or a review committee may make a recommendation to the Director.

1.4 Within the established time limitations, the Director may appoint a person or committee composed of managers and employees to assist in the finding of facts and recommending a course of action.

1.5 The employee grievance process is available to permanent state employees only.

1.6 A grievance is deemed to have been received at each step in the grievance procedure, on the date on which the employee or his chosen representative personally delivers the grievance or transmits it by facsimile machine; or if the employee mails the grievance, 3 days after the date on which the grievance was postmarked or the date on the return receipt if sent by certified mail.

1.7 Formal grievances must be filed on the appropriate State Department of Personnel Formal Grievance Form NPD-50. The response to the grievance must be filed on the Response to Formal Grievance Form NPD-51.

1.7.1 These forms are available through the Department Personnel Division, the State Department of Personnel or their website.

1.8 The original Formal Grievance Form NPD-50, or copy thereof, shall be the document that is forwarded to each step.

1.9 An employee must file a grievance at the first step within 20 working days after the date of occurrence or date the employee learns of the issue concerning the grievance.

1.10 If a grievance relates to a decision of a reviewing officer about a performance evaluation, or the failure to respond, an employee must file a grievance at the first step, that identifies the specific points of disagreement, not later than 10 working days after the date the reviewing officer was required to respond.

1.11 The State Department of Personnel or the Department Personnel Division may be of assistance in interpreting the grievance regulations.

1.12 All grievance reviewers shall submit a copy of their replies to the Department Personnel Division.

1.12.1 The Department Personnel Division maintains separate grievance files for employees.

1.12.2 Employees may review their file in the Department Personnel Division during normal business hours. The files cannot be removed nor can they be changed or modified.

306.02 FILING OF GRIEVANCE TO FIRST STEP – SUPERVISORY CHAIN OF COMMAND

1.1 An employee has 20-days after the date of the origin of the grievance or the date the employee learns of a problem, to file a grievance.

1.1.1 The parties should make every effort to informally resolve the grievance within these 20 days.

1.1.2 If a grievance relates to a decision of a reviewing officer pertaining to a performance evaluation, the employee has 10 days after they receive the decision to file a grievance.

1.2 If the issue concerning the grievance cannot be resolved by informal discussions, an employee may file a grievance to the first step.

1.2.1 The employee may institute the grievance process within an institution by submitting the grievance to any supervisory level within their chain of command up to and including the Associate Warden.

1.2.2 The employee may institute the grievance process within an administrative office by submitting the grievance to any supervisory level within their chain of command up to and including the Division Head.

1.3 The supervisory chain has 10-working days to respond to this grievance prior to the employee filing to the second step.

1.3.1 Upon mutual agreement, in writing, both parties may agree to extend the deadline.

- A copy of the written agreement will be forwarded to Department Personnel Division.

1.4 If the first step does not respond within 10 working days from the receipt of the grievance at their level, an employee may forward their grievance to the second step.

306.03 FILING THE GRIEVANCE TO SECOND STEP – WARDEN/DIVISION HEAD

1.1 If the grievance cannot be resolved at the first step, an employee may file a grievance to the second step within 10 working days from receipt of the response from the first step.

1.2 The second step shall be the Warden or Division Head.

1.3 The Warden or Division Head has 10 working days to respond to this grievance prior to the employee filing to the third step.

1.3.1 Upon mutual agreement, in writing, both parties may agree to extend the deadline.

- A copy of the written agreement will be forwarded to Department Personnel Division.

1.4 If the second step does not respond within 10 working days from the receipt of the grievance at their level, an employee may forward their grievance to the third step.

306.04 FILING OF GRIEVANCE TO THIRD STEP – ASSISTANT DIRECTOR/DIRECTOR

1.1 If the grievance cannot be resolved at the second step, an employee may file a grievance to the third step within 10 working days from receipt of the response from the second step.

1.2 The third step shall be an Assistant Director or Director.

1.3 The Assistant Director or Director has 10 working days to respond to the grievance prior to the employee filing to the fourth step.

1.3.1 Upon mutual agreement, in writing, both parties may agree to extend the deadline.

- A copy of the written agreement will be forwarded to Department Personnel Division.

1.4 If the third step does not respond within 10 working days from the receipt of the grievance at their level, an employee may forward their grievance to the fourth step.

306.05 FILING OF GRIEVANCE TO FOURTH STEP – EMPLOYEE MANAGEMENT COMMITTEE

1.1 If the grievance cannot be resolved at the Department level, an employee may file a grievance to the fourth step within 10 working days from receipt of the response from the third step.

1.2 The fourth step shall be the Employee Management Committee.

1.2.1 The request must be made in writing to the Employee Management Committee and include the Formal Grievance Form NPD-50 filed with the Department, along with all Response to Formal Grievance Forms NDP-51 that were received.

1.2.1.1 The request must include all appropriate documentation such as:

- A citation of the statutes and regulations pertinent to the grievance;
- The specific points of disagreement; and
- All supporting evidence.

1.2.2 The grievance shall be forwarded to the State Department of Personnel, 209 E. Musser Street, Carson City, Nevada 89710.

1.3 If the decision of the Employee-Management Committee shall result in a fiscal impact to the Department, the State Budget Division of the Department of Administration must determine the feasibility of compliance with the decision on the basis of its fiscal effect.

1.3.1 The decision is only binding if it is feasible from a fiscal standpoint.

REFERENCES

ACA Standard 3-4048

ATTACHMENTS

Formal Grievance, NPD-50

Response to Formal Grievance, NPD-51

Jackie Crawford, Director

Date

CONFIDENTIAL

Yes

XX
No

THIS PROCEDURE SUPERSEDES ALL PRIOR WRITTEN PROCEDURES ON THIS SPECIFIC SUBJECT.